

MINUTES
RUSH COUNTY BOARD OF ZONING APPEAL
October 3rd, 2013
7:30pm

ROLL CALL: Present were Lois Hatfield, Sandra Jackson, Mike Holzback, Gilda Caviness, David Rogier, Kevin Tolloty and Rhea Dawn Buckley. Absent were Larry Copley and Ruth Geise.

MINUTES: Motion to approve the minutes of the meeting September 5th, 2013 by Lois Hatfield, second by Sandra Jackson. All voted AYE.

SPECIAL EXCEPTIONS:

1. Carrie Poole, 917 N. Benjamin Street, Rushville, is requesting a special exception for a licensed day care, zoned R-1; Single Family Residential. Motion was granted by Lois Hatfield, seconded by Sandra Jackson. All voted AYE.

VARIANCES:

1. Crop Production Services, 7440 W SR 44 Homer, is requesting a variance to reduce the required thirty-five (35) foot side yard setback to zero (0) feet for an accessory structure, Walker Township, C; Commercial zoning pending. Motion was granted by Sandra Jackson for a setback from thirty-five (35) feet to (0) feet, pending the approval of County Commissioners to rezone, seconded by Lois Hatfield. All voted AYE.

2. Dan Shanahan, 938 N. Harrison Street, Rushville, **Joe Rathz (agent)**, is requesting a variance to reduce the required twenty (20) foot rear yard setback to zero (0) feet for an accessory structure, Rushville City, zoned R-1; Single Family Residential. Motion was granted by Sandra Jackson, seconded by Lois Hatfield. All voted AYE.

3. Kent Stainbrook, 10315 S State Rd 3, Milroy, is requesting a variance to reduce the required forty (40) foot side yard setback to ten (10) feet for an accessory structure, Anderson Township, zoned A-3; Agriculture, Regulated Livestock. Applicant stated the reason for the variance was due to the septic tank, gas tank and well, which were located in the area. Motion was granted by Lois Hatfield for a forty (40) foot setback to ten (10) feet, seconded by Sandra Jackson. All voted AYE.

4. Ethel Joles, 965 W Old 44, Rushville, is requesting a variance to reduce the requires twenty (20) foot side yard setback to nine (9) feet on both sides for the rebuilding of a manufactured home, Rushville Township, zoned A-1; Agriculture, Rural Residential. Motion was granted by Sandra Jackson for a twenty (20) foot setback to nine (9) feet, seconded by Lois Hatfield. All Voted AYE.

5. Intat Precision Inc., 2148 N SR 3, Rushville, is requesting a variance to allow signage of greater than 100 square feet total for the property, specifically a wall sign measuring 136 square feet, Rushville City, zoned M-2; Heavy Industrial. Motion was granted by Lois Hatfield to allow signage greater that 100 square feet total for the property, specifically a 136 square foot sign, seconded by Sandra Jackson. All Voted AYE.

APPEALS: None

REVIEWS: None

OLD BUSINESS: None

NEW BUSINESS: None

AUDIENCE PARTICIPATION:

There was much discussion on the Poultry Ordinance going through the APC for adoption. Several issues were discussed such as sending Ordinance through to be changed to allow chickens on residential lots.

Kevin: There has also been discussion regarding the amount of other animals being allowed although nothing has been written yet.

David: The law states that the number of poultry allowed is ten (10) fowl per acre of land.

Lois: How does, land wise, ten (10) per acre vs. fifty (50) per acre in the A3 zoned differ. I see a future need for a change in the limit in the Ag Zone. That seems a little unfair to punish people in the Ag Zone and limit them to ten (10) and then create this. What's the lot size difference?

David: There are different lot sizes in the Ag Zone. A3 starts with 40 acres and A1 is much smaller.

Kevin: That's a good point and I believe that they all need to match.

Lois: If A2 was to be a transitional zone where you can have fifty (50) and A3 your back down to ten (10), that seems a little contradictory to me.

Kevin: That is a valid point that I think needs to be addressed.

Lois: I assume research has or is being done regarding these issues?

Kevin: Yes, we have been working on it for some time now.

Mr. Hall: With a One (1) year Special Exception, do we have to come back every year for renewal?

Kevin: Initially you would have to get Special Exception, but as long as there are no complaints or problems, it should be renewed.

Lois: The problem is that we have had issues arise where we have had complaints in the past.

Mr. Hall: Then you should deal with those complaints separately.

Mr. Napier: Why is it that I have to pay a Fifty (50) dollar fee, write letters to my neighbors and to the paper? The Law is too complex. I have been going through this for the past Six (6) months with the APC. My idea is that you write the new ordinance for organic farming, R1 & R2 needs to be put under the supervision of Animal Control with a yearly fee of twenty (20) dollars.

Joyce Morrell: I am opposed to a fee at all. I have a great resource if you would be interested, Greg from Henry County who is the Chairman of the 4-H. You can contact him with any questions.

David: Ordinance will go back to APC for further discussion.

REPORTS:

Attorney: None

Plan Consultant: Went over his fees and hours worked.

Director: None

ADJOURN: Motion to adjourn by Lois Hatfield, second by Sandra Jackson. All Voted AYE.

Meeting was adjourned at 8:30pm.